United States District Court
Northern District of California

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4   UNITED STATES DISTRICT COURT

5   NORTHERN DISTRICT OF CALIFORNIA

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7   ANIBAL RODRIGUEZ, et al.,   Case No. 20-cv-04688-RS (AGT)

8   Plaintiffs,

9   v.   **DISCOVERY ORDER**

                                                 Re: Dkt. No. 247
10   GOOGLE LLC,

11   Defendant.

12   Google must produce the Incognito-mode financial study in dispute. *See* Dkt. 247 at 3–6.

13   Plaintiffs have persuaded the Court that their expert may be able to use the study to reason by

14   analogy in calculating unjust-enrichment damages in this case. The production burden is negligible,

15   and if the proposed analogy doesn't work, Google can challenge it in a *Daubert* motion.

16   Google need not produce "*all* WAA-off financial analyses," as plaintiffs demand. *Id.* at 4

17   (emphasis in original). This case is principally about how Google's WAA-off disclosures square

18   with the company's use of Firebase to collect app-usage data. To the extent that Google performed

19   WAA-off financial analyses unrelated to Firebase, plaintiffs haven't persuaded the Court that those

20   analyses are relevant or that their disclosure would be proportional to the needs of the case.

21   Google must produce the Incognito-mode financial study by September 30, 2022.

22   **IT IS SO ORDERED.**

23   Dated: September 26, 2022

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26   ALEX G. TSE
     United States Magistrate Judge

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